

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

SHANE M. MARTIN,	:	
	:	
Plaintiff,	:	
	:	
v.	:	
	:	Case No.
EQUIFAX INFORMATION SERVICES	:	
LLC;EXPERIAN INFORMATION	:	JURY TRIAL REQUESTED
SOLUTIONS, INC.; AND TRANS	:	
UNION LLC	:	
	:	
Defendant.	:	

COMPLAINT

1. This action for damages against Defendants Equifax Information Services LLC, Experian Information Solutions, Inc., and Trans Union, LLC, arises out of Defendants’ false reporting of fraudulent credit information in Plaintiff’s consumer reports, Defendants’ failure to delete false information from Plaintiff’s credit file, and Defendant’s dissemination of Plaintiff’s private credit information without a permissible purpose to do so.

PARTIES

2. Plaintiff Shane M. Martin is a natural person who resides in the City of Townsend, County of New Castle, State of Delaware, and is a “consumer” as that term is defined by 15 U.S.C. § 1681a(c).

3. Defendant Equifax Information Services, LLC (“Equifax”) is a credit bureau doing business in Delaware and is a “consumer reporting agency” as that term is defined by 15 U.S.C. § 1681a(f). Equifax has a registered agent for service located at Corporation Service Company, 2711 Centerville Rd Ste 400, Wilmington, DE 19808.

4. Defendant Experian Information Solutions, Inc. (“Experian”) is a credit bureau

doing business in Delaware and is a “consumer reporting agency” as that term is defined by 15 U.S.C. § 1681a(f). Experian has a registered agent for service located at Corporation Service Company, 2711 Centerville Rd Ste 400, Wilmington, DE 19808, or in the alternative, at The Corporation Trust Company, Corporation Trust Center 1209 Orange St, Wilmington, DE 19801.

5. Defendant Trans Union, LLC (“Trans Union”) is a credit bureau doing business in Delaware and is a “consumer reporting agency” as that term is defined by 15 U.S.C. § 1681a(f). Trans Union has a registered agent for service located at The Prentice-Hall Corporation System, Inc., 2711 Centerville Road Suite 400, Wilmington, DE 19808.

JURISDICTION AND VENUE

6. Because this case arises under the Fair Credit Reporting Act, 15 U.S.C. § 1681 et seq., jurisdiction of this Court arises under 28 U.S.C. § 1331, and supplemental jurisdiction for state law claims arises under 28 U.S.C. § 1367.

7. Venue is proper in this Court because a substantial part of the claim arose in Delaware, and all Defendants “reside” in Delaware, as that term is used in 28 U.S.C. § 1391.

FACTUAL ALLEGATIONS

8. Defendants have been reporting accounts that do not belong to Plaintiff in his credit reports since as early as 2002. The accounts appear to belong to Plaintiff’s sibling.

9. In the five years preceding the filing of this Complaint, Defendants each included false and derogatory accounts and information in plaintiff’s credit file and consumer reports, including judgments, tax liens, collections, delinquent accounts, and charged off accounts. The accounts and information did not belong to Plaintiff.

10. Plaintiff disputed false accounts and information to each of Defendants. Plaintiff provided detailed dispute letters, identifying information, and copies of his credit reports with the

disputed accounts and information noted.

11. Defendants deleted some of the disputed items, but failed to delete other disputed items. As of the filing of this complaint, Defendants continue to report false and derogatory accounts and information in Plaintiff's credit reports.

12. Defendants failed to block fraudulent accounts and information from Plaintiff's consumer reports.

13. As a result of Defendants' actions and omissions, Plaintiff has suffered and continues to suffer actual damages including without limitation, credit denials, out-of-pocket expenses, detriment to his credit rating, lost opportunity to receive credit, damage to reputation, worry, distress, frustration, embarrassment, and humiliation, all to his damages, in an amount to be determined by the jury.

14. At all times pertinent hereto, Defendants were acting by and through their agents, servants and/or employees who were acting within the course and scope of their agency or employment, and under the direct supervision and control of the Defendants herein.

TRIAL BY JURY

15. Plaintiff is entitled to and hereby requests a trial by jury.

FIRST CLAIM FOR RELIEF

FAIR CREDIT REPORTING ACT

15 U.S.C. §§ 1681e(b), 1681i, 1681b

16. Plaintiff incorporates by reference all preceding paragraphs as though fully stated herein.

17. Defendants Equifax, Experian, and Trans Union willfully and/or negligently violated 15 U.S.C. § 1681e(b) by failing to follow reasonable procedures to assure the maximum

possible accuracy of Plaintiff's consumer reports.

18. Defendants Equifax, Experian, and Trans Union willfully and/or negligently violated 15 U.S.C. § 1681i, including all parts and subparts, in multiple ways including without limitation by failing to conduct a reasonable reinvestigation of Plaintiff's dispute(s) and by failing thereafter to appropriately delete or modify information in Plaintiff's file.

19. Defendants Equifax, Experian, and Trans Union willfully and/or negligently violated 15 U.S.C. § 1681b by providing Plaintiff's credit file to users that Defendants did not have a reasonable belief has a permissible purpose to obtain Plaintiff's credit file.

20. As a result of Equifax's, Experian's, and Trans Union's violations of §§ 1681b, 1681e(b) and 1681i, Plaintiff has suffered and continues to suffer actual damages, including without limitation credit denials, out-of-pocket expenses, detriment to his credit rating, lost opportunity to receive credit, damage to reputation, worry, distress, frustration, embarrassment, and humiliation, all to his damages, in an amount to be determined by the jury. Plaintiff is therefore entitled to recover actual damages pursuant to 15 U.S.C. §§ 1681n and 1681o.

21. Equifax's, Experian's, and Trans Union's actions and omissions were willful, rendering them liable for punitive damages and/or statutory damages pursuant to 15 U.S.C. § 1681n.

22. Plaintiff is entitled to recover costs and attorney's fees from Defendants, Equifax, Experian, and Trans Union pursuant to 15 U.S.C. §§ 1681n and 1681o.

WHEREFORE, Plaintiff prays that the Court:

(a) Enter judgment against the defendants, jointly and severally.

(b) Enter a judgment against all the defendants, jointly and severally, for compensatory and punitive damages.

(c) Enter a judgment against defendants, jointly and severally, for attorney's fees, cost and pre and post judgment interest.

(d) Require such other and further relief as the Court deems just and proper under the circumstances.

DATED this 20th day of February, 2014.

Respectfully submitted,

By: /s/ Jordan Perry
Jordan J. Perry, Esq. (#5297)
Jacobs & Crumplar, P.A.
2 E. 7th Street
P.O. Box. 1271
Wilmington, DE 19899
(302) 656-5445

Justin M. Baxter
Baxter & Baxter, LLP
8835 SW Canyon Lane, Suite 130
Portland, Oregon 97225
Telephone (503) 297-9031

Attorneys for Plaintiff